

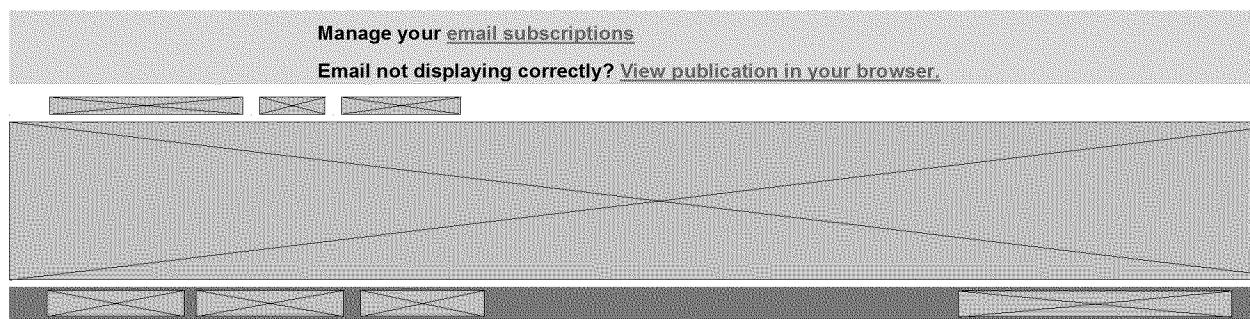
To: Stalcup, Dana[Stalcup.Dana@epa.gov]; Wells, Suzanne[Wells.Suzanne@epa.gov]; Mahmud, Shahid[Mahmud.Shahid@epa.gov]; Zaragoza, Larry[Zaragoza.Larry@epa.gov]
From: Fitz-James, Schatzi
Sent: Tue 10/13/2015 9:29:40 PM
Subject: Fwd: Oct 13 -- BNA, Inc. Daily Environment Report - Afternoon Briefing

See GKM-related sediment/longer term monitoring plan piece

Sent from my iPhone

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From: "BNA Highlights" <bhighlig@email.bna.com>
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

WOTUS Cases Will Not Be Consolidated, Panel Says

Posted October 13, 2015, 2:54 P.M. ET

By [Alan Kovski](#)

A panel of federal judges today turned down a request from federal government defendants to consolidate nine lawsuits from seven districts into one case challenging the Clean Water Act jurisdiction rule.

Centralization of the cases into one district court "will not serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation," the U.S. Judicial Panel on Multidistrict Litigation ruled in *In re Clean Water Rule* (MDL No. 2663).

The challenges to the rule defining the “waters of the U.S.” issued by the Environmental Protection Agency and the U.S. Army Corps of Engineers, “will turn on questions of law with respect to whether the EPA and the Corps exceeded their statutory and constitutional authority,” not on extensive discovery or other pretrial proceedings, the panel said in explaining its decision against centralization.

In addition, centralization of WOTUS cases would require the transferee judge to “navigate potentially uncharted waters” because of the differing positions of courts on whether the cases belong in district courts or appeals courts, the panel said.

EPA Truck Rule Will Improve, McCabe Says

Posted October 13, 2015, 3:24 P.M. ET

By Nora Macaluso

Fuel efficiency standards for medium- and heavy-duty trucks will be “better” than the proposal issued by the Environmental Protection Agency and National Highway Traffic Safety Administration, said Janet McCabe, acting assistant administrator for the EPA’s Office of Air and Radiation.

“I guarantee you the final rule will come out better than our proposal,” McCabe told industry, academic and policy officials at an event at the EPA’s National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Mich. “We rely on input” from industry in particular, she said.

The comment period for the rule, the second phase in a plan to cut emissions from trucks, closed Oct. 1.

The proposed rules (RIN 2060-AS16; RIN 2127-AL52) are projected to reduce carbon dioxide emissions by as much as 1 billion tons over the lives of regulated vehicles. Trucks account for 20 percent of energy usage and greenhouse gas emissions from the transportation industry despite making up just 5 percent of vehicles on the road.

IMF, World Bank Pledge More Funding for 2020 Climate Goal

Posted October 13, 2015, 1:49 P.M. ET

By Eric J. Lyman

The goal of providing \$100 billion a year to help poor countries adapt to the impacts of climate change is a step closer to fruition after the heads of the International Monetary Fund, the World Bank, and finance officials from 188 countries wrapped up three days of talks in Lima this weekend.

The World Bank announced in Lima that it will increase its funding for climate adaptation to 28 percent of its budget, up from 21 percent now. That translates to \$16 billion a year by 2020. The European Investment Bank said it will increase its spending to 35 percent from 25 percent of its budget, though it did not include a hard figure. Meanwhile, Michel Sapin, minister of finance for France, which will host the upcoming United Nations climate summit starting Nov. 30, said pledges collected in Lima added up to an additional \$15 billion a year.

“We are now certain we will reach the goal of \$100 billion per year by 2020,” said Manuel Pulgar-Vidal, environment minister for host Peru and outgoing president of the Conference of the Parties climate summit. He will hand the baton to French Minister of Foreign Affairs Laurent Fabius when the Paris summit opens with the goal of producing the world’s first global climate agreement.

VW Will Cut Spending by \$1.1 Billion Amid Diesel Scandal

Posted October 13, 2015, 3:32 P.M. ET

By Naomi Kresge and Christoph Rauwald

Volkswagen AG will reduce investment at its main passenger-car brand by about 1 billion euros (\$1.1 billion) a year and speed up an existing cost-cutting push as the impact of the diesel-emissions scandal ripples through the automaker.

The lower spending on developing new vehicles and upgrading factories amounts to a reduction of about 6 percent

compared with the 12-brand group's plan to spend about 17.1 billion euros annually. The belt-tightening is accompanied by a shift in focus to more plug-in hybrids and electric vehicles as VW adopts diesel technology it previously eschewed for smaller models.

"The Volkswagen brand is repositioning itself for the future," Herbert Diess, head of the German manufacturer's largest unit, said in a statement Oct. 13. "We are creating room for forward-looking technologies by speeding up the efficiency program" that targeted 5 billion euros in savings and operational improvements by 2017.

VW is under increasing financial strain following revelations last month that it rigged diesel engines to circumvent emissions regulations.

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Rice Calls Climate Change 'Direct Threat' to U.S. Security

Posted October 13, 2015, 3:36 P.M. ET

By [Anthony Adragna](#)

Climate change is "an advancing menace" that poses an immediate and "direct threat" to U.S. prosperity, safety, defense, national security and public health, Susan Rice, President Barack Obama's national security adviser, said late yesterday.

Speaking at Stanford University, Rice said the nations of the world were poised to finalize a "strong and comprehensive" international agreement to combat climate change this December in Paris. She also called on Congress to fully fund multi-lateral climate initiatives in the administration's budget, such as the Green Climate Fund.

"After two decades of negotiations, Paris is our best opportunity to shift our approach toward climate change permanently and to embrace cooperative solutions to a truly global problem," Rice said. "Paris must deliver a long-term framework that ratchets down future emissions over time—one where all countries commit to act, consistent with their circumstances, and where strong transparency and accountability measures apply to everyone."

Graham to Rivals: 'Tell Me Why' You Doubt Climate Science

Posted October 13, 2015, 2:45 P.M. ET

By [Anthony Adragna](#)

Sen. Lindsey Graham (R-S.C.), an extreme long shot in the Republican race for president, broke with his party and challenged rivals to tell him why they doubt that human activity predominantly contributes to climate change.

"It is, to me folks, a problem that needs to be solved, not a religion," Graham, senator of South Carolina since 2005, said yesterday of climate change. "So to my friends on the left who are making this a religion, you're making a mistake. To my friends on the right who deny the science, tell me why."

The comments of Graham and another Republican facing long odds for the presidency, former New York Gov. George Pataki, urging action to address the problem nevertheless show a range of positions within the party on climate change and how to address it.

Most other Republican candidates for president, including current front-runner businessman Donald Trump and retired neurosurgeon Ben Carson, doubt human activity significantly contributes to a changing climate.

EPA Considers Summit on Interstate Nutrient Trading

Posted October 13, 2015, 4:06 P.M. ET

By [Leslie Pappas](#)

The U.S. Department of Environmental Protection may hold a summit sometime next year to discuss a system for interstate nutrient credit-trading after agriculture-rich states like Pennsylvania expressed interest in getting federal help, an official from the EPA told Bloomberg BNA today.

Suzanne Trevena, a biologist in the water protection division in EPA's Region 3, mentioned the possible summit during a discussion about the Chesapeake Bay at the Pennsylvania Environmental Council's 2nd annual policy conference in Harrisburg.

"We're hearing a need," Trevena told Bloomberg BNA in an interview on the sidelines of the conference.

Pennsylvania, which has 63,000 farms, more than half of which are in the Chesapeake Bay watershed, is far behind in its federally mandated cleanup goals for nitrogen and sediment in the Chesapeake Bay.

Pennsylvania Still Coy About Joining Trading System

Posted October 13, 2015, 4:06 P.M. ET

By Leslie Pappas

Pennsylvania is still "open to everything and attached to nothing" when it comes to joining the Regional Greenhouse Gas Initiative as part of the state's Clean Power Plan compliance, the state's top environmental regulator said today.

"The economic argument for some type of trading platform is pretty compelling, but we're not sure what that looks like yet," John Quigley, secretary of the Pennsylvania Department of Environmental Protection, said during a speech at the Pennsylvania Environmental Council's second annual policy conference in Harrisburg.

"Everything is on the table," he said.

Pennsylvania is holding a series of "listening sessions" about the Clean Power Plan throughout the state and taking public comments through Nov. 12 to help formulate the state's approach. Quigley said the agency is committed to submitting a final plan to the U.S. Environmental Protection Agency by Sept. 6 next year.

Sediment Long-Term Problem From Animas Spill

Posted October 13, 2015, 12:38 P.M. ET

By Tripp Baltz

The Environmental Protection Agency said today that its long-term concern from the Animas River spill are metals deposited in sediments in the entire watershed and their release during future high-water events and recreational use.

The agency, working closely with state and local officials, is establishing a longer term watershed monitoring strategy for the surface water and sediments that have been affected by the Gold King Mine release.

EPA investigators triggered the spill Aug. 5 when excavating collapsed debris at the entrance of the mine near Silverton, Colo., unleashing 3 million gallons of mining wastewater and sludge laced with heavy metals. The plume of waste eventually flowed into the Animas, San Juan and Colorado rivers.

Quebec Action Plan to Promote Electric Vehicle Use

Posted October 13, 2015, 1:31 P.M. ET

By Peter Menyasz

The Quebec government faces an uphill battle to convince the Canadian auto industry that a new C\$421 million (\$324 million) provincial action plan to promote increased use of electric vehicles will focus on consumer incentives rather than stricter regulations.

The Transportation Electrification Action Plan 2015–2020, unveiled Oct. 9, identifies 35 specific measures to boost the contribution of electric-powered vehicles in the province's fight against climate change, but leaves unanswered the major question of how it will accomplish the promised "concerted approach" to increasing the number of zero-emissions light-duty vehicles.

The government will review policies and initiatives in other jurisdictions before making final policy decisions on how to

promote consumer purchases of electric vehicles, according to the [action plan](#).

The plan drew immediate responses from industry groups representing both domestic and international automakers urging the province to rely on incentives rather than regulations. "Collaborative approaches that support, rather than limit, Quebecers' choice would accelerate electric vehicle adoption and help our shared effort to reduce on-road greenhouse gas emissions," the Canadian Vehicle Manufacturers' Association said Oct. 9 said in a statement.

EU GMO Opt-Out Law Set to Fail After Committee Rejection

Posted October 13, 2015, 12:37 P.M. ET

By Stephen Gardner

A draft European Union regulation on genetically modified crops, which the European Commission proposed in April, looks set to fail after the European Parliament's environment committee voted to reject it Oct. 13.

The [draft regulation](#), which would give EU member states a right to bar from their territory food and feed that includes genetically modified ingredients, has been opposed in an advisory vote of the European Parliament's agriculture and rural development committee.

EU member states represented in the Council of the European Union have yet to take a formal position on the proposal, but council spokesman Xavier Pavard told Bloomberg BNA Oct. 13 that a there was a "large majority against the way the proposal has been made." U.S. Trade Representative Michael Froman also has criticized the proposal, saying in April that it was "not constructive."

The full European Parliament will vote on the proposal Oct. 28 and also is expected to reject it. Parliament spokesman Baptiste Chatain told Bloomberg BNA Oct. 13 that there was "a clear majority in the house against the proposal."

China's Vehicle Emissions Testing Exposes Noncompliance

Posted October 13, 2015, 3:03 P.M. ET

By Michael Standaert

Chinese environmental authorities have announced probes into Volkswagen AG's compliance with emissions standards, with the Administration of Quality Supervision Inspection and Quarantine stating yesterday that 1,946 diesel-engine Tiguan sports-utility vehicles and four models of Passats imported into China are being recalled by the automaker to correct software that monitors emissions. China's Ministry of Environmental Protection also released a similar statement yesterday.

Recent reports, however, spotlight a larger problem with China's emissions testing failures, indicating that producers, third-party testers and consumers are complicit in avoiding compliance or fabricating compliant tests, exacerbating already difficult goals to reduce air pollution in urban areas throughout China.

Dong Yang, head of the China Association of Automobile Manufacturers, in a statement on the association's website regarding whether Chinese automobile brands could have similar issues as Volkswagen in evading emissions requirements, said it was "likely, because our technological foundation is weak, market supervision is not strict, and consumer awareness is not high."

China's Air Pollution Law, which was amended in August and will go into effect from Jan. 1, 2016, will likely have further impact due to stronger rules on testing of vehicles before they go to market as well as in-use vehicles, greater transparency requirements on vehicle manufacturers and importers, and mandatory recalls for environmental violations, according to a client brief written by Guangzhou-based Wu Qing, a partner at the law firm King & Wood Mallesons.

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